

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

KEVIN JOSEPH LYNN, II

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Case No. 4:06cr21  
(Judge Schneider)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 8, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Stevan Buys.

On January 11, 2007, Defendant was sentenced by the Honorable Michael H. Schneider to sixty-three (63) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On September 16, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On February 7, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory, standard, and special conditions. Violation allegations one, three, four, and five were dismissed by the Government. The petition also alleged violation of the following additional mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance.

The petition alleges that Defendant committed the following acts with regard to the remaining violation: On December 12, 2011, December 27, 2011, and January 6, 2012, Defendant submitted urine specimens that tested positive for cocaine.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation.

### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville or Fort Worth Unit. It is also recommended that Defendant shall participate in a program for substance abuse treatment while incarcerated.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 8th day of March, 2012.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE